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PATENT



#### IN THE U.S. PATENT AND TRADEMARK OFFICE

Appl. No.: 10/039,833

Conf.:

1743

Filed:

January 4, 2002

Alarcon et al.

Examiner:

Art Unit:

ALEXANDER, LYLE

For:

ENTRAPPED BINDING PROTEIN AS BIOSENSORS

INFORMATION DISCLOSURE STATEMENT
(SUBMISSION AFTER FILING OF AN APPLICATION
BUT BEFORE FINAL REJECTION OR NOTICE OF ALLOWANCE
OR CONCURRENTLY WITH A RULE 53(d) CPA APPLICATION
OR WITH A RULE 1.114 RCE APPLICATION)

Mail Stop DD Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

Sir:

Pursuant to 37 C.F.R. §§ 1.97 and 1.98, applicant(s) hereby submit(s) an Information Disclosure Statement for consideration by the Examiner.

#### I. LIST OF PATENTS, PUBLICATIONS OR OTHER INFORMATION

The patents, publications, or other information submitted for consideration by the Office are listed on the PTO/SB/08A(s), attached hereto.

a.	$\boxtimes$	Submitted herewith is a legible copy of (i) each U.S. and foreign patent;
		(ii) each publication or that portion which caused it to be listed; and (iii)
		all other information or that portion which caused it to be listed.

b.	Some or all of the documents listed on the PTO/SB/08A are not enclosed
	because they were cited in the International Search Report and copies
	should already be in the PTO file. If copies are needed, please contact the
	undersigned.

## (check at least one box) $\boxtimes$ a. **DOCUMENTS IN THE ENGLISH LANGUAGE** The attached patents, publications, or other information in the English language do not require a statement of relevancy. **DOCUMENTS NOT IN THE ENGLISH LANGUAGE** b. A concise explanation of the relevance of all patents, publications, or other information listed that is not in the English language is as follows: ENGLISH LANGUAGE SEARCH REPORT c. An English language version of the search report or action that indicates the degree of relevance found by the foreign office is attached, thereby satisfying the requirement for a concise explanation. See MPEP 609(A)(3). **OTHER** d. The following additional information is provided for the Examiner's

**CONCISE EXPLANATION OF THE RELEVANCE** 

consideration.

III.

### <u>FEES</u>

IV.	$\boxtimes$		IDS IS BEING FILED UNDER 37 C.F.R. § 1.97(b): one box)
	a.		within three months of the filing date of a national application (37 C.F.R. § 1.97(b)(1)). No fee or statement is required. (This section is not to be used with RCE's and CPA's).
	b.		within three months of the date of entry of the national stage as set forth in § 1.491 in an international application (37 C.F.R. § 1.97(b)(2)). No fee or statement is required.
	c.		concurrently with the filing of a Continued Prosecution Application under 37 C.F.R. § 1.53(d) or concurrently with the filing of a Request for Continued Examination under § 1.114 (37 C.F.R. § 1.97(b)(4)). No fee or statement is required.
	d.		before the mailing date of a first Action on the merits (37 C.F.R. § 1.97(b)(3)). No fee or statement is required. In the event that a first Office Action on the merits has been issued, please consider this IDS under 37 C.F.R. § 1.97(c) and see the statement under 37 C.F.R. § 1.97(e) below, or, if no statement has been made, charge our deposit account in the amount of \$180.00 as required by 37 C.F.R. § 1.17(p).
V.			IDS IS BEING FILED UNDER 37 C.F.R. § 1.97(c): one box)
	1.97(c)	)(1)) or	iling date of a Final Office Action under 37 C.F.R. § 1.113 (See 37 C.F.R. § before the mailing date of a Notice of Allowance under 37 C.F.R. § 1.311 § 1.97(c)(2)).
	a.		No statement; therefore, a fee in the amount of \$180.00 as required by 37 C.F.R. § 1.17(p).
	b.	$\Box$	or See the statement below. No fee is required.
	υ.		Dec the statement below. I'v lee is lequiled.

## VI. STATEMENT UNDER 37 C.F.R. § 1.97(e) (check only one box)

VII.

The ur	idersign	ed hereby states that
a.	$\boxtimes$	each item of information contained in the IDS was first cited in any communication from a foreign Patent Office in a counterpart foreign application not more than three months prior to the filing of this IDS; or
b.		no item of information contained in the IDS was cited in a communication from a foreign Patent Office in a counterpart foreign application, and, to the knowledge of the person signing the certification after making reasonable inquiry, no item of IDS was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of the IDS.
<b>c</b> .		Some of the items of information were cited in a communication from a foreign Patent Office. As to this information, the undersigned states that each item of information contained in the IDS was first cited in a communication from a foreign Patent Office in a counterpart foreign application not more than three months prior to the filing of this IDS. As to the remaining information, the undersigned hereby states that no item of this remaining information contained in the IDS was cited in a communication from a foreign Patent Office in a counterpart foreign application and, to the best of my knowledge after making reasonable inquiry, was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of this statement.
PAYM	IENT C	OF FEES (check one box)
		ck in the amount of \$180.00 as required by 37 C.F.R. § 1.17(p) is enclosed above-identified fee.
		charge Deposit Account No. 02-1666 in the amount required by 37 C.F.R. (p) for the above-indicated fee. A triplicate copy of this paper is attached.
$\boxtimes$	No fee	is required.

If the Examiner has any questions concerning this IDS, he/she is requested to contact the undersigned. If it is determined that this IDS has been filed under the wrong rule, the PTO is requested to consider this IDS under the proper rule and charge the appropriate fee to Deposit Account No. 02-1666.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-1666 for any additional fees required under 37 C.F.R. § 1.16 or under § 1.17; particularly, extension of time fees.

Respectfully submitted,

		By Jaconda Wagner, Reg. No. 42,207
		Jaconda Wagner, Reg. No. 42,207
4		Becton, Dickinson and Company
Date: June <u>30</u>	, 2003	1 Becton Drive, MC 089
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		(201) 847-6659
Enclosures:	PTO/SB/08A	
	□ Documents	
	Foreign Search	Report
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	Other:	

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Substitute for form 1449A/PTO

# INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(use as many sheets as necessary)

Sheet 1 of

	Complete if Known	RECEN
Application Number	10/039,833	SCIVE
Filing Date	January 4, 2002	JUL
First Named Inventor	Alarcon et al.	7 2003
Art Unit	1743	1C120
Examiner Name	Alexander, Lyle	- 1700
Attorney Docket Number	er P-5074	

			U.S. PAT	ENT DOCUMENTS	
Examiner Initials*	Cite No.1	Document Number  2 Number Kind Code (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
-		US- 5,226,902	07-13-1993	Bae et al.	
		US- 6,288,214	09-11-2001	Hook et al.	
		US- 6,455,222	09-24-2002	Fukino et al.	
		US- 6,495,352	12-17-2002	Brinker et al.	
		US- 6,521,446	02-18-2003	Hellinga	
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	FOREIGN PATENT DOCUMENTS							
Examiner Initials*	Cite No.1	Foreign Patent Document			Publication Date	Name of Patentee or	Pages, Columns, Lines, Where Relevant	
		Office <sup>3</sup>	Number <sup>4</sup>	Kind⁵ (if known)	MM-DD-YYYY			Passages or Relevant Figures Appear
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Examiner	Date	
Signature	Considered	

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

<sup>\*</sup>EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹ Applicant's unique citation designation number (optional). ² See Kinds Codes of USPTO Patent Documents at <a href="https://www.uspto.gov">www.uspto.gov</a> or MPEP 901.04. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. Applicant is to place a check mark here if English language Translation is attached.

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Substitute for form 1449B/PTO

#### INFORMATION DISCLOSURE STATEMENT BY APPLICANT

RECEIVED TO 1700 10/039,833 **Application Number** January 4, 2002 Filing Date First Named Inventor Alarcon et al. 1743 Group Art Unit **Examiner Name** Alexander, Lyle Attorney Docket Number P-5074

Complete if Kn wn

(use as many sheets as necessary) Sheet of

OTHER PRIOR ART NON PATENT LITERATURE DOCUMENTS						
Examiner Initials	Cite No.1	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, joumal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T²			
		MARVIN, et al., Engineering Biosensors by Introducing Fluorescent Allosteric Signal Transducers: Construction of a Novel Glucose Sensor, J. Am. Chem. Soc. 1998, 120, 7-11.				
			$\top$			
Examine		Date Considered				

This collection of information is required by 37 CFR 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 120 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

<sup>\*</sup>EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>&</sup>lt;sup>1</sup> Applicant's unique citation designation number (optional). <sup>2</sup>Applicant is to place a check mark here if English language Translation is attached.